

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JOHN JOHNSON,)
Petitioner,)
v.) No. 3:10-0419
RICKY BELL,) Judge Haynes
Respondent.)

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**RESPONDENT'S MOTION TO CONSTRUE ANSWER AS MOTION FOR SUMMARY
JUDGMENT**
5-9-13

Comes now the respondent, Ricky Bell, and moves this Court to construe his September 9, 2011, answer to the amended petition [D.E. No. 32] as a motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. As grounds therefore, the respondent states that the answer and state court record filed therewith detail the relevant material undisputed facts and show that the respondent is entitled to judgment as a matter of law for the reasons stated therein.

WHEREFORE, Respondent requests the Court treat his answer as a summary judgment motion, allow the petitioner an opportunity to respond to the same in accordance with local rules, and grant judgment as a matter of law on his behalf.

Respectfully submitted,

ROBERT E. COOPER, JR.
Attorney General & Reporter